



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the PATENT APPLICATION of
Inventor(s): Mills

Group Art Unit: 1745

Appln. No.: 09/008,947

Examiner: Kalafut

Filing Date: 1/20/1998

Title: HYDRIDE BATTERY AND FUEL CELL

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June 22, 2001

SUBMISSION OF RULE 132 DECLARATION

Hon. Asst. Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Sir:

Attached is a Rule 132 Declaration of Applicant verifying experimental evidence already of record. This evidence conclusively demonstrates the existence of lower-energy hydrogen, as disclosed in the subject application, and, thus, overcomes the rejections under 35 U.S.C. §§ 101 and 112 of record.

Applicant notes that during the personal interview held on February 21, 2001, Secret Committee Examiner Jagannathan introduced a new standard requiring that any experimental evidence submitted in support of Applicant's technology be published so that scientists, which include Applicant's competitors, can review that evidence. Despite the Secret Committee's decision to unreasonably and improperly impose this burdensome new standard on Applicant, he has nonetheless complied with it by submitting numerous published and/or about to be published articles disclosing significant experimental evidence that is extraordinarily reliable.

As stated, this experimental evidence has already been made of record in this

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case. Out of an abundance of caution, however, Applicant submits herewith a Rule 132 Declaration verifying that Applicant personally conducted and/or supervised the experimentation that produced the evidence disclosed in the submitted articles.

In view of the submission of this Declaration, it is even more incumbent upon the Secret Committee to now consider Applicant's experimental evidence and fairly evaluate it. Applicant has spent an inordinate amount of time and gone to considerable expense compiling this experimental data, which goes far beyond that which is normally required to demonstrate the utility and enablement of claimed subject matter. In the interests of fairness and due process, Applicant implores the Secret Committee to comply with all applicable patent laws and regulations by fully evaluating the written description and all of the supporting experimental evidence presented. Should the Secret Committee find any alleged deficiencies with that evidence, Applicant deserves to know – indeed has the right to know – the complete and precise scientific basis for its conclusions. Applicant cannot and will not accept vague nonsensical remarks, such as those made by Secret Committee Examiner Jagannathan during the February 21, 2001 interview, that Applicant's spectroscopic data generated on multi-million dollar, state-of-the-art equipment by highly-trained technicians at considerable expense to Applicant represents nothing but "a bunch of squiggly lines" incapable of interpretation.

Furthermore, the Secret Committee should also provide a legitimate and scientific basis, complete with full explanation, for any alleged inaccuracies in Applicant's extensive theories, as opposed to vague remarks about "impossibilities" and "incredibilities," so that Applicant is at least afforded the opportunity to adequately respond. Mere conclusory statements, such as those previously made by the Secret Committee alleging that Applicant's technology violates ambiguous and unidentified laws of physics and mathematics, or is contrary to general beliefs in the scientific community, are simply not helpful. Such statements improperly impose on Applicant a new standard of patentability that, in effect, erect impossible barriers to allowance.

It was bad enough that the PTO pulled several of Applicant's allowed applications from issuance without even the slightest review of the file histories and

without considering the experimental evidence that resulted in allowance in the first place. For the Secret Committee to continue its dubious practice of turning a "blind eye" to this evidence is simply unacceptable and must stop.

Applicant is not only entitled to have the Secret Committee comply with its reasonable request to fully and fairly evaluate the scientific evidence of record, but is also entitled to know who, in fact, is responsible for making that evaluation. Consequently, Applicant once again renews his prior request that the Secret Committee identify its members and any and all such other persons involved in the prosecution of the subject application, from either inside or outside the PTO.

In view of the overwhelming evidence of record demonstrating the existence of lower-energy hydrogen, it is sincerely believed that the subject application is in condition for allowance and Notice to that effect is respectfully requested.

Respectfully submitted,

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By



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